



May 22, 2023

Hon. Vera M. Scanlon, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East, 1214 South  
Brooklyn, New York 11201

By Electronic Filing.

**Re: Payamps v. City of New York, 22-cv-00563**

Dear Judge Scanlon:

I am co-counsel for Plaintiff in this matter. I write in response to the City's request at ECF No. 51 for a settlement conference.

Though Mr. Pesin did not ask our position on his request nor did he tell us he would be requesting a settlement conference, Plaintiff and his counsel welcome the opportunity to have a settlement conference with Your Honor.

However, the City's actions demonstrate that they are not serious about engaging in a good-faith settlement discussion. On February 27, 2023, Judge Gold held a pro bono mediation for several hours for which Plaintiff was present. Thereafter, Judge Gold engaged in further communications with the parties. The mediation was very productive but did not settle. We are happy to provide further details *ex parte* or off the docket regarding the City's conduct.

Since the mediation, the City has served an insultingly low Rule 68 for a fraction of where Plaintiff has signaled he could settle this case.

Mr. Pesin clearly does not have settlement authority in the range he knows Plaintiff would settle for. We don't believe a settlement conference would be productive without Mr. Pesin's supervisor, a representative from the comptroller's office with authority to accept the number Plaintiff signaled he would accept at the mediation, and an understanding by the City that Plaintiff's position since the mediation has not changed.



As always, I thank the Court for its attention to this matter.

Respectfully submitted,

/s/

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Jessica Massimi

**COHEN&GREEN P.L.L.C.**

*Attorneys for Plaintiff*

1639 Centre St., Suite 216

Ridgewood, New York 11385

cc:

All relevant parties by ECF.